

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MASIMO CORPORATION,)	
)	
Plaintiff,)	
)	C.A. No. 09-80-LPS
v.)	
)	JURY TRIAL DEMANDED
PHILIPS ELECTRONICS NORTH)	
AMERICA CORPORATION and PHILIPS)	
MEDIZIN SYSTEME BÖBLINGEN GMBH,)	
)	
Defendants.)	
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MASIMO CORPORATION,)	
)	
Plaintiff,)	
)	C.A. No. 11-742-LPS-MPT
v.)	
)	JURY TRIAL DEMANDED
PHILIPS ELECTRONICS NORTH)	
AMERICA CORPORATION and PHILIPS)	
MEDIZIN SYSTEME BÖBLINGEN GMBH,)	
)	
Defendants.)	

**STIPULATION REGARDING JOINT PROPOSED
SCHEDULES FOR "*MASIMO II*" AND "*MASIMO III*"
AND DISCOVERY LIMITS FOR "*MASIMO III*"**

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for Plaintiff Masimo Corporation ("Masimo") and Defendants Philips Electronics North America Corporation and Philips Medizin Systeme Böblingen GmbH (collectively "Philips"), subject to the approval of the Court, that the case schedules in the *Masimo II* (the remaining patents) and *Masimo III* (Philips' patent misuse defense and antitrust counterclaims) cases are set forth below:

Masimo v. Philips II
Joint Proposed Schedule Regarding the Remaining Patents¹

<i>Masimo II Event</i>	Deadline
Parties exchange a list of supplemental claim terms/phrases that they believe need construction and/or terms/phrases they believe are indefinite	July 28, 2015 (already completed)
Parties exchange proposed construction of the disputed claim terms/phrases	August 7, 2015 (already completed)
Philips' Opening Brief regarding Claim Construction and Summary Judgment on indefiniteness (25 pages)	August 18, 2015 (already completed)
Masimo's Answering Brief (25 pages)	September 4, 2015 (already completed)
Philips' Reply Brief (15 pages)	September 11, 2015 (already completed)
Parties file joint brief with remaining objections to previous <i>Markman</i> Report and Recommendation (D.I. 48) – no new arguments	September 15, 2015 (already completed)
Masimo's Sur-Reply Brief (5 pages)	September 16, 2015
Parties file Joint Claim Construction Brief	September 17, 2015
Hearing on claim construction	October 2, 2015 at 1:00 pm
Parties to submit their positions on mediation, pursuant to Court's Oral Order dated July 27, 2015 (D.I. 1006 ('080 case); D.I. 74 ('742 case))	10 days from <i>Markman</i> Order
Opening Expert Reports	The earlier of: (1) 30 days from <i>Markman</i> Order; or (2) February 26, 2016
Rebuttal Expert Reports	30 days from Opening Expert Reports
Reply Expert Reports	21 days from Rebuttal Expert Reports

¹ The "Remaining Patents" are: Masimo's U.S. Patent Nos. 6,157,850; 7,509,154; 7,530,949; 8,019,400; and Philips' U.S. Patent No. 5,337,745.

Masimo II Event	Deadline
Close of Expert Discovery (including all depositions)	30 days from Reply Expert Reports
Case Dispositive Motions; objections to expert testimony	30 days from Close of Expert Discovery
Response to Case Dispositive Motions	30 days from Opening Case Dispositive Motions
Reply to Response to Case Dispositive Motions	30 days from Response to Case Dispositive Motions
Hearing regarding Case Dispositive Motions	20 days from Reply regarding Case Dispositive Motions
Telephonic hearing regarding order, scope, and structure of <i>Masimo II</i> and <i>Masimo III</i> trials	October <u>4</u> , 2016, at the convenience of the Court if the Court deems it necessary
Pretrial Order	December 12, 2016 or February 27, 2017
Pretrial Conference	December 21, 2016 at 2:00 pm or March 7, 2017 at 3:00 pm
Trial begins (10 days)	January 9, 2017 or March 20, 2017

Masimo v. Philips III
Joint Proposed Schedule Regarding
Philips' Patent Misuse Defense and Antitrust Counterclaims

<i>Masimo III</i> Event	Deadline
Stay on antitrust and patent misuse discovery is lifted	July 23, 2015
The parties shall make and/or supplement their initial disclosures under Fed. R. Civ. P. 26(a)(1)	August 7, 2015
Production of documents shall be substantially complete	February 12, 2016
Fact discovery cut-off	April 29, 2016
Deadline for amendment of pleadings concerning antitrust and patent misuse claims	April 29, 2016
Opening expert reports are due	May 27, 2016
Rebuttal expert reports are due	June 27, 2016
Reply expert reports are due	July 28, 2016
Expert discovery cutoff including all depositions	August 19, 2016
Case dispositive motions; objections to expert testimony	September 19, 2016
Telephonic hearing regarding order, scope, and structure of <i>Masimo II</i> and <i>Masimo III</i> trials	October 4, 2016, at the convenience of the Court if the Court deems it necessary
Oppositions to case dispositive motions	October 19, 2016
Replies to case dispositive motions	November 9, 2016
Hearing on case dispositive motions	December 1, 2016
Pre-trial Order	December 12, 2016 or February 27, 2017
Pre-trial Conference	December 21, 2016 at 2:00 pm or March 7, 2017 at 3:00 pm
Trial begins	January 9, 2017 or March 20, 2017

IT IS FURTHER STIPULATED AND AGREED by the undersigned counsel for the Parties, subject to the approval of the Court, that the following discovery limitations shall apply in the *Masimo III* action:

1. Fact depositions: 175 hours per side, excluding experts.
2. Interrogatories: 35 total per side.
3. Requests for Admission: 50 per side.

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September 15, 2015

IT IS SO ORDERED this 18th day of September, 2015.



Chief Judge, U.S. District Court